

cost of litigation; in short, to do anything rather than express a frank opinion of the actual case and its probabilities, with a view if possible to bring the client to the point of proposing a part of the property or damages claimed, if by means thereof he shall be put in possession of the remainder. If, for example, the lawyer can so far discourage his client as to obtain from him an offer of one-half of property worth \$20,000 for the performance of services worth not to exceed \$500, and success seems reasonably certain, he is manifestly interested to the extent of \$9,500 to deal disingenuously with his client; and if the practice is recognized as legitimate, the temptation will often prove too great to be resisted. If suit is instituted without any such arrangement, there is then the temptation to permit delays, annoyances, trouble and cost to the client that might be avoided, with a view to the same end; and no doubt some lawyers who consider themselves high-minded and honorable unconsciously lose the spur to diligence in their suits, when discouragement to their clients seems likely to prove more profitable to them than would the energetic pursuit of a remedy. Thus the practice invites and tempts the lawyer to conceal from the client his real views, and to antagonize the interest of the client; a condition in which the law contemplates he shall never be placed.

"5. A further injurious consequence is that it takes from the lawyer the feeling that he is a minister of justice, and enlists his selfishness in a way that precludes his making a just administration of the law his first consideration. The lawyer's legitimate fee is payable irrespective of the result, and he is supposed to occupy a position from which he can contemplate the controversy with a desire that the correct rule of law shall be applied and the truth be expressed in the judgment, whether the result to his client be favorable or unfavorable. The policy of the law is that neither his feelings nor his interest shall be so far enlisted as to tempt him to desire injustice; but a contingent fee makes him a party in desire and anxiety; he becomes disqualified to be the adviser of the court, and the high sense of honor that should actuate all his professional conduct is blunted by the bribe that tempts his fidelity to justice. The court thus loses its proper reliance, and the

State loses in great measure the advantages anticipated from this body of officers.

"6. A third injurious consequence is that it leads to the bringing of many suits that ought never to be brought. Such bargains are most often met with in suits for alleged negligent injuries. In the majority of these, corporations are defendants. Many of the suits are justly brought and justly result in substantial recoveries; others are instituted in reliance, not upon justice or the law of the case, but upon the effect of appeals to passion or prejudice. These are often taken as mere ventures, as one might invest in a lottery ticket or in the exploration of an unknown land for possible mineral wealth. Perhaps no other class of suits does so much toward bringing the jury system into contempt, or toward creating a feeling of antagonism between aggregated capital on the one side and the community in general on the other; and lawyers who bring the suits are interested in making the most of this feeling. In no small degree this affects the public confidence in legal proceedings; corporators are made to believe that justice for them is not to be obtained from juries, and the public is made to believe that courts very often improperly interpose to annul just verdicts against great corporate monopolies. And when the court is censured for administering the law impartially, the lawyer who, unaffected by the interest or passion of his client, ought unhesitatingly to give the court his moral support, is found to be himself a suitor in the client's name, and his expressed disappointment and anger, which the public do not know are interested, are vastly more effective in weakening the hold of the court upon public confidence than could be any complaints of the suitor whose interests were known to be at stake. These evils are present more or less in other cases, but are conspicuously present in these.

"7. A further injurious result is that it affects the mind as all gambling does, and not only renders the judgment untrustworthy, but begets a disinclination for the somewhat monotonous routine of daily professional life. If only the customary fee is at stake, it may confidently be expected that the lawyer will bring a cool judgment to the consideration of a proposed suit; but it is easy to see merits when a possible fortune awaits the lawyer at the conclusion;